IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 15178 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DHAGASH BHARATBHAI PATEL

Versus

REGIONAL PASPORT OFFICER

Appearance:

1. Special Civil Application No. 15178 of 2004

MR HARNISH V DARJI for Petitioner No. 1

MR JITENDRA MALKAN for Respondent No. 1

RULE SERVED BY DS for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 03/12/2004

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution of India the petitioner has prayed for an appropriate writ, direction or order directing the respondent passport authority to issue passport to the petitioner on the basis of Birth Certificate issued by

the competent authority under the provisions of Birth and Death Registration Act, 1969, and show his correct date of birth as 04.9.1984 instead of 04.8.1984 as mentioned in the School Leaving Certificate.

2. The learned advocate appearing for the petitioner has submitted that through inadvertance her date of birth is wrongly mentioned in the School Leaving Certificate and the correct date of birth which is mentioned in the certificate issued by the competent authority, i.e., Talati/Mantri, Village-Unava, Taluka-Siddhpur, District-Mehsana, is the correct date of birth of the petitioner.

3. Mr. MA Shaikh, learned Addl. Central Standing Counsel for the respondent has submitted that a new passport is normally issued by the authority with correct details if the authority is satisfied with the genuineness of the data submitted by the petitioner. Having heard the parties and looking to the facts and circumstances and also the material placed on record, the respondent is directed to look into the case of the petitioner on the basis of the evidence already adduced or which may be adduced by the petitioner in support of his case to mention the correct date of birth as has been mentioned in the certificate issued by the competent authority, i.e., Talati-cum-Mantri, Village-Unava, Taluka-Siddhpur, District-Mehsana, according to the petitioner, for issuance of fresh passport. The respondent shall take appropriate decision in accordance with law after considering the relevant evidence adduced before him and shall pass an appropriate order as expeditiously as possible to issue the passport accordingly.

4. The petitioner is directed to pay an amount of Rs. 5000/= by way of costs to the respondent as because of his mistake the respondent was required to appear before this Court and defend the present proceedings. Rule is made absolute to the aforesaid extent. Direct service is permitted.

[M.R. Shah, J.]

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